DA's Appeal May Be Heard By U.S. Court

The Fifth U.S. Circuit Court of Appeals may hear in late fall an appeal by Dist. Atty. Jim Garrison, who is seeking to get overturned a lower court order preventing him from prosecuting Clay Shaw for perjury.

In late May, U.S. District Court Judge Herbert W. Christenberry issued an injunction against Garrison from prosecuting Shaw for perjury.

The record in that district court case was filed today in the Fifth Circuit Court. This is a technical, but necessary, part of the appeal procedure.

A COURT ATTACHE said Garrison now has 35 days in which to file briefs and the government will have 20 days after that to answer.

After the two sides have filed their briefs, the court will decide whether a hearing would be helpful or whether the case can be disposed of on the briefs without oral argument. If a hearing is decided on, it would be in late fall.

Garrison had accused Shaw, a retired businessman, of conspiracy in connection with the assassination of President Kennedy, but a state court jury, deliberating about an hour, found Shaw not guilty.

GARRISON SOON afterwards charged Shaw with perjury for denying that he (Shaw) knew Lee Harvey Oswald and David Ferrie, others said by Garrison to have been involved in the conspiracy.

Shaw appealed to the federal courts. The Fifth Circuit ordered Judge Christenberry to hear the appeal and the judge issued the injunction, saying that Garrison was trying to deny Shaw his constitutional rights.

Garrison then announced he would take the case to the appeals court.